

# MANDATE

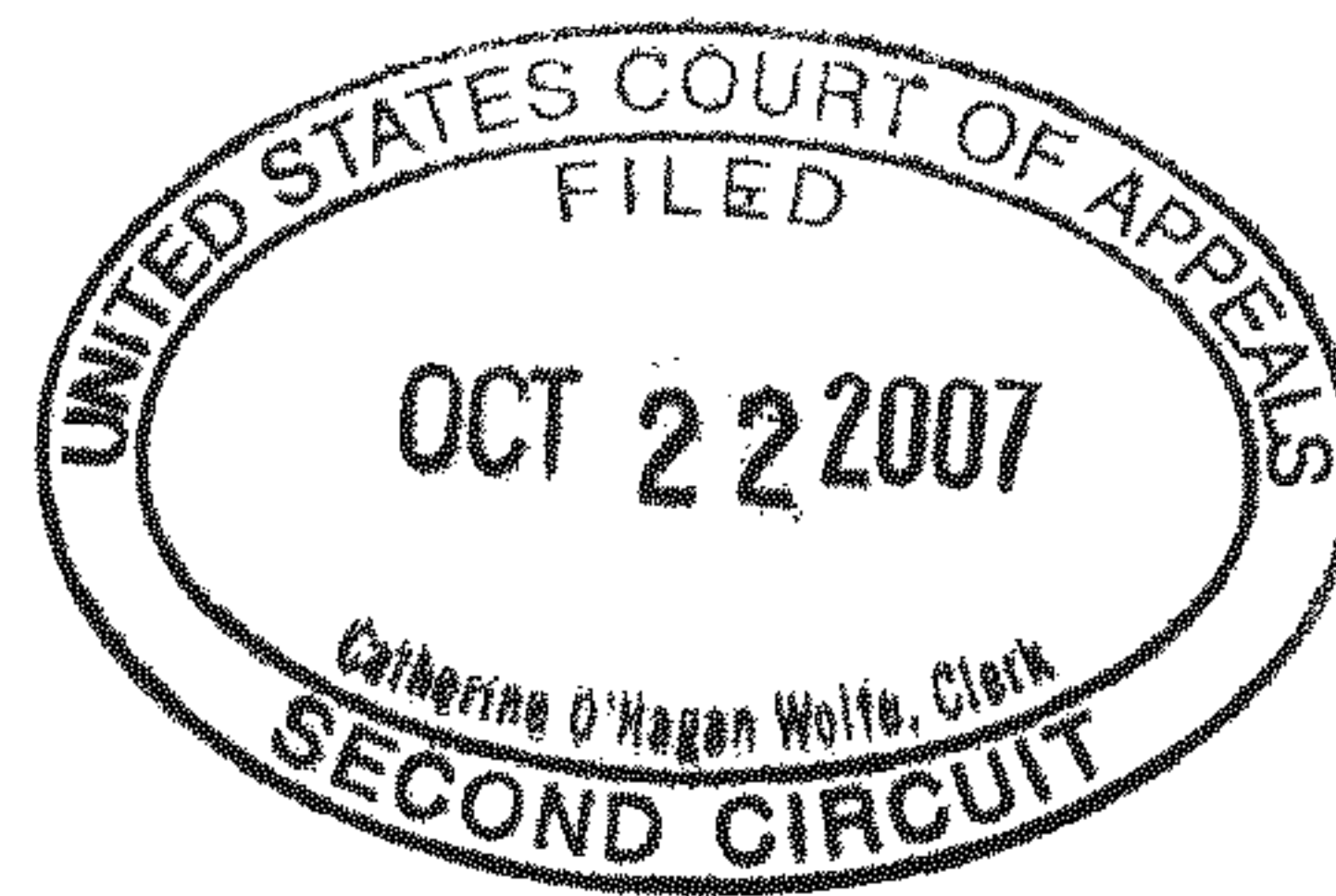
S.D.N.Y.  
07-cv-4702  
Wood, C.J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 22 day of October, two thousand seven,

Present:

Hon. Amalya L. Kearse,  
Hon. Peter W. Hall,  
*Circuit Judges,*  
Hon. Jed S. Rakoff,\*  
*District Judge.*



Bennie Gibson,

*Plaintiff-Appellant,*

v.

07-2764-cv

The City, *et al.*,

*Defendants-Appellees.*

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. However, this Court has determined *sua sponte* that it lacks jurisdiction over this appeal because the district court's order is not a final order as contemplated by 28 U.S.C. § 1291. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978); *Michael v INS*, 48 F.3d 657, 661 (2d Cir. 1995). Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED. It is further ORDERED that Appellant's motion is DENIED as moot.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: 

\*The Honorable Jed S. Rakoff, United States District Court for the Southern District of New York, sitting by designation

SAO-MZK

**Catherine O'Hagan Wolfe, Clerk**

OCT 22 2007

by

  
DEPUTY CLERK

Issued as Mandate

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